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Alternative Report
on the Russian Federation's Implementation of the
International Covenant on Economic, Social and Cultural Rights
in Connection with the Consideration of the Sixth Periodic State Report
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For the Pre-Sessional Working Group of the 60th Session of the CESCR
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The Russian Federation:
Violation of the Economic and Social Rights of
Roma and Indigenous Minorities;
Employment Discrimination against Vulnerable Groups

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PREAMBLE

Russia is a sprawling country with a population of 146.5 million people spread unevenly across its territory (in the European part (21 percent of the country's total territory) population density is 27 people/m², while in the Asian part (79 percent of the total territory), this figure stands at 3 people/m²). The climatic conditions in many regions are unfavorable, and the economic situation of Russians in general is quite difficult: almost five million people receive a salary that is below the set minimum wage (RUR 7,500, or USD 125),¹ while the living wage amounts to RUR 9,889 (about USD 165). The poverty level has grown in recent years, including among the working population. This is connected with the global economic crisis, the sanctions imposed on the RF in connection with the annexation of Crimea in 2014 and the military conflict between Russia and Ukraine, and the counter sanctions imposed by the RF on other countries, which have all resulted in sharp rise in inflation and a general worsening in the country's economic situation.

Russia is a recipient country of a huge flow of labor migration: by various estimates, there are from five to 10 million foreign workers in Russia. These are mainly migrants from former Soviet countries in Central Asia (Uzbekistan, Tajikistan, Kyrgyzstan), Europe (Belarus, Moldova, Ukraine, and, in the region of the Caucasus - Armenia and Georgia). Migrant workers are a vulnerable group from the standpoint of economic and social well-being: their incomes are even lower than those of permanent poor residents of Russia, since they send the main part of their earnings home.

Other vulnerable groups in terms of economic and social rights are ethnic minorities like Roma and indigenous peoples living in the harsh climatic conditions of the North, Siberia, and the Far East, who regularly come up against the predatory policies of mining and oil and gas companies, which have been able to reach the most remote areas of Russia thanks to developments in technology. RF law, which guarantees the rights of indigenous peoples, is not being implemented. According to media reports, the November 2016 report of the Human Rights Council under the RF President stated that 50 indigenous minorities and their languages and cultures are in danger of disappearing.²

The strategy of the Russian Federation's national policy for the period up until 2025 and its practical expression – the Federal Targeted Program “Strengthening Russian National Unity and the Ethnocultural Development of the Peoples of Russia (2014–2020)” has the goal of forming a so-called “civic nation”: a shift in the self-identification of Russian residents from ethnic to civic (“Russian citizenship”). Much of the financing from the Federal Targeted Program is directed towards achieving this goal. Much less money has been allocated to supporting the culture of ethnic minorities, and the Program devotes no attention whatsoever to resolving systemic problems like structural discrimination against Roma people. There is reason to fear that government efforts to create a “united nation” will end in the infringement of the rights of ethnic minorities.

Vulnerable groups face employment discrimination in Russia: women are banned from working in over 450 specializations; there is evidence that people have been persecuted and fired on the basis of sexual orientation and gender identity; and discrimination against migrant workers is a tremendous problem.

¹ Speech by Deputy Prime Minister Olga Golodets at the Gaidar Forum in January 2017.

² http://www.ng.ru/politics/2016-11-29/1_6871_etnos.html

VIOLATION OF THE ECONOMIC AND SOCIAL RIGHTS OF ROMA AND INDIGENOUS PEOPLES

Problem: demolition of housing in dense Roma settlements, eviction of residents, deprivation of access to resources

Most of the Roma population in the RF lives in dense settlements, which sprung up across the country in 1956, when a special law banning the nomadic way of life was adopted. In the years since, existing dense Roma settlements have burgeoned, and new ones have appeared. However, the absolute majority of dwellings do not meet basic household standards, and the houses and land on which these houses are located are not properly registered under current law. Residents of dense settlements have found themselves in a situation of structural discrimination, when one problem leads to another: it is not possible to bring water, electricity, and gas lines into an unregistered house, it is difficult for residents of such a house to apply for registration at place of residence and personal documents, it is not possible to receive mail, there is no access to social payments and medical assistance without a registration at place of residence, and children have trouble enrolling at school, which, in turn, leads to low levels of education, unemployment, and even greater poverty.

Rather than finding a comprehensive solution to this historical problem, the Russian government has taken repressive measures against residents of dense Roma settlements, who are not able to lay water, gas, and electricity lines into their unregistered houses or pay for utilities. Providers shut off gas, water, and electricity supplies into the settlements, frequently during the cold times of the year, which results in fires, since residents start heating their homes with fire-prone stoves. In November 2016, residents of the dense settlement of Maksim Gorky (outskirts of Volgograd) were cut off from utilities – 60 houses were cut off from water supply, and over 30 were cut off from electricity. This problem is also pertinent for the settlement of Zarechye (Lipetsk), where conflicts between Roma and utility companies have been ongoing for years, and gas lines were most recently turned off in March 2016.

Also in March 2016, the gas supply was shut off to the settlement of Plekhanovo in Tula Oblast and protests by residents were suppressed by police special forces. After this, 121 homes found by a court to be illegally built under a lawsuit filed by the administrations of Lenin District and Tula Oblast were demolished. The residents of these homes, who ended up on the streets, were not offered any alternative housing. There are plans to build a stadium in the place of the demolished buildings.

The demolition of homes in Plekhanovo took place under the supervision of the police special forces, who were prepared to suppress the protests at any minute. This demolition was taken by residents not just as the destruction of their only homes, but also as an act of intimidation – just as these actions were understood by residents of other dense settlements throughout the country, since the conflict in Plekhanovo was widely reported on in the media.

The risk of demolition and eviction is a reality for thousands of Roma throughout the country, since the problem of legalizing already existing homes has not been resolved system wide. In October 2012, five Roma homes in the Topki settlement of Kemerovo Oblast were demolished, which meant that 35 people, including young children, were left without housing right before the onset of the Siberian winter. Another 18 homes in this settlement were under the threat of demolition. In September 2014, 22 houses were demolished in the microrayon of Chapayevsky (Perm), and in 2016 further demolitions were recorded. Threats to demolish Roma homes were made by members of the local administrations in Ryazan (village of Dyagilevo, 2012), Volgograd (village of Verkhnyaya Elshanka, 2012), Obninsk (Kaluga Oblast, 2014),

Ekaterinburg (2014), and Irkutsk (2015). In October 2016, lawsuits to find Roma homes illegal were filed against residents of the village of Kosaya Gora (Tula Oblast) by the administration of this village. This involves 60 homes and hundreds of people. Lawsuits were filed also against Roma living in Aysha village (Zelenodolsk district, Tatarstan). There is information that Roma may possibly be resettled from the settlement of Lampovy Zavod (Penza). The demolition of the “10th Baza” settlement (Omsk) is reported to be in the spring of 2017.

In the 2000s, a wave of demolitions of Roma settlements swept across the country, leaving thousands homeless. ADC Memorial described this problem in a special report entitled “Forced Evictions and the Right of Roma to Housing in Russia” (2008),³ in the update to this report, which was submitted to the CESC (48th session, 2011),⁴ and in reports to CERD (2014). At the time, legal work and advocacy campaigns helped to suspend the demolitions and save residents of several settlements from eviction.

However, the practice of demolishing Roma settlements has unfortunately returned in recent years, even though international institutions have found this to be a violation of human rights. On 11 October 2016, the European Court for Human Rights issued a judgement in the case “Bagdonavicius and Others v. Russia (case No. 19841/06)”⁵ in favor of 33 Roma residents of the Dorozhnoye settlement in the Guryevsk district of Kaliningrad Oblast who were victims of forced eviction and demolition of their homes in 2006, finding this a violation of Article 8 (right to respect for private and family life) of the European Convention. The court noted that the Roma homes in Dorozhnoye were built during Soviet times, and that their recognition by a Russian court as being illegal buildings was based only on the fact that they lacked a current title to these houses, which was not a substantial ground for claiming that the land had been occupied illegally. National courts had not taken into account the long-term residence of Roma dwellers in these houses and the fact that the government did not give them the opportunity to legalize their construction, nor did it offer any options for resettlement. The Court ruled that Russia must pay the applicants compensation of material losses and emotional damages.

Recommendation: Homes and land in existing dense Roma settlements must be legalized and plots must be allocated to needy families with many children in accordance with current laws. Roma settlements must be safely and legally provided with resources. It must be possible for Roma to register at their place of residence, even in cases when their homes are not registered, to give them the opportunity to take advantage of economic, social, and cultural rights, including access to education, healthcare, and employment. Police operations to disconnect Roma settlements from gas and other resources must be ended. The media must stop stoking hatred of Roma people. There must be an immediate end to the practice of forced evictions. If resettlement is unavoidable, alternate housing equipped with modern conveniences must be provided as quickly as possible and compensation must be made for losses and emotional damages.

³ <http://adcmemorial.org/wp-content/uploads/Romrussie501russe2008.pdf>

⁴ <http://adcmemorial.org/www/publications/forced-evictions-and-the-right-to-housing-of-roma-in-russia-2011?lang=en>

⁵ <http://adcmemorial.org/www/12199.html?lang=en>

Problem: violation of the rights of Roma children to education – segregation into separate “Roma” classes and schools, difficulties accessing preschool education, lack of educational opportunities for people who left or never attended school at all for various reasons.

Contrary to assertions by the RF government that no cases of the segregation of Roma children have been recorded (paragraph 348 of the state report), separate instruction for children in so-called “Roma classes” and even “Roma schools” remains a widespread practice in dozens of schools through the country and in cities and rural localities. ADC Memorial addressed this problem in a thematic report (2009)⁶ and submitted an updated report for the 48th session of the CESCR in 2011.⁷ The situation has not changed in recent years – efforts to overcome segregation and introduce an integrative approach have only been seen in isolated schools, while the majority of schools attended by large numbers of Roma children continue to instruct these children separately from others. When homes are demolished and families evicted, children are deprived of their access to education – child services and education agencies have no interest in where evicted children will attend school, and the right of children to education is never considered by courts issuing a decision on demolition or eviction.

The assertion made in the state report (paragraph 348) that a parental decision may be a ground for segregation is totally unsupported, since no one, including parents, can violate the rights of a child. References to a “nomadic way of life” and “national traditions” as grounds for segregated instruction is striking for its inaccuracy, since Roma in Russia have not led a nomadic way of life in over 70 years, have adopted a settled lifestyle, and have never “traditionally” received an education. As both global experience and the experience of schools that have tried to reject segregation show, segregation is not “the speediest way to overcome the gap in mastering academic programs and the subsequent transfer to regular classes,” which is what the state report says, but actually means that children will only attain a low level of education and are not at all prepared to move to regular classes, at least after elementary school, resulting in their withdrawal from school altogether after spending several senseless years there.

ADC Memorial is familiar with the cases of “distance and on-site and off-site schooling” mentioned in the state report (paragraph 349), where children go to schools for several hours a day only two to three times a week at times when other students are not present and cases of so-called “home schooling,” when a teacher comes to a child’s home for several hours a week. These cases are a profanation of education and technically serve to cover up violations of children’s rights.

Finally, no educational opportunities have been created for adult Roma who dropped out of school for various reasons but would like to continue studying or start over from scratch.

Recommendations: *The practice of segregating Roma children in schools must be ended. Opportunities for the preschool preparation of Roma children must be created, and additional Russian language classes must be organized. The Roma language must be included to at least some degree in the school program; and opportunities for adults who did not receive an education on time must be created.*

⁶ <http://adcmemorial.org/www/publications/problem-of-discrimination-and-violation-of-the-rights-of-roma-children-at-russian-schools-2009?lang=en>

⁷ <http://adcmemorial.org/www/publications/problem-of-discrimination-and-violation-of-the-rights-of-roma-children-at-russian-schools-2011?lang=en>

Problem: absence of a comprehensive government strategy to overcome structural discrimination of the Roma population in the Russian Federation

Russia still lacks a well-articulated state policy on overcoming structural discrimination of the Roma population. The pilot plan “Comprehensive Action Plan for the Socioeconomic and Ethnocultural Development of Roma in the Russian Federation for 2013–2014,” which was cause for fair criticism, has not been continued.

Recommendations: *adopt and implement a state program of comprehensive support for Russia’s Roma population aimed at overcoming structural discrimination that includes positive measures on documentation and the exercise of rights to housing, a high-quality education, employment, and access to medical and social assistance.*

Problem: violation of the economic, social, and cultural rights of indigenous peoples – seizure of territories where these minorities traditionally live and maintain their households by mining and oil and gas companies; removal of self-government bodies of indigenous peoples; repression of activists and employees of social organizations, including the fabrication of criminal cases.

Mining and oil and gas companies have caused irreparable harm to territories where indigenous peoples have traditionally lived and used natural resources. Any protests from residents of territories where the work of oil, gas, and coal companies has caused a real environmental catastrophe and made it impossible to practice ceremonial rituals and traditional activities of indigenous peoples (hunting, fishing, reindeer herding, gathering wild plants) devolve into the persecution of activists and even criminal cases.

Known consequences of conflicts between local residents and drilling and extraction companies, where representatives of indigenous peoples are in an admittedly vulnerable situation, include the persecution of Khanty man Sergey Kechimov resulting from a conflict between the community and Surgutneftegaz (Khanty-Mansi Autonomous Okrug, 2015);⁸ and what experts believe to be a fabricated criminal case against Evenki community leader Sergey Nikiforov (Amur Oblast, 2015) connected with protests against gold mining companies. Nikiforov was ultimately sentenced to prison.⁹ The local police apply constant pressure to residents of Kondopoga District in the Republic of Karelia who are protecting the Suna Forest from being cut down and even set up a tent camp in the forest to prevent equipment of Saturn Nordstroy LLC, which intends to develop a sand borrow pit in its place, from entering the forest. The office of the Karelian environmental organization SPOK, which supports local residents in their protest and has documented the violation of their rights, was searched by the FSB in September 2016.¹⁰

An instance where the rights of residents of Kazas settlement (Kemerovo Oblast) who belong to the indigenous people of Shors were violated is particularly revealing.¹¹

Kazas Settlement in the Myski City District is part of the territories where indigenous peoples of the North, Siberia, and the Far East of the Russian Federation

⁸ <http://www.svoboda.org/a/27199956.html>, <http://www.csipn.ru/korennye-narody-i-promyshlennye-kompanii/2843-advokat-yugorskogo-shamana-predlagaet-zakryt-delo>

⁹ <http://nazaccent.ru/content/18705-evenkijskomu-lideru-v-blagoveshenske-sokratili-sorok.html>

¹⁰ http://activatica.org/problems/view/id/599/title/vyrubka-pod-karer-sunskogo-bora-v-karelii/version/last_approved

¹¹ The information on the case of Kazas was received from activists of Myski Town NGO “Revival fo Kazas and Shor People”.

traditionally reside and trade.¹² Earlier, Kazas was a part of Chuvashka National Village Municipality, which was liquidated in December, 2004, according to the decision of the Council of People's Deputies of Kemerovo Oblast to transfer 167 000 hectares of historically Shor land to the administrative jurisdiction of Novokuznetsk District (this decision contradicts the Article 131.2 of the RF Constitution). The Kazas settlement was basically destroyed in 2013–2014: the coal company Yuzhnaya, which was operating an open pit coal mine and causing irreparable harm to the environment of this territory, forced residents to sell their plots. Residents report that they faced pressure from coal mine employees, who threatened to set fire to their homes and destroy them with bulldozers.¹³

These threats were realized: from November 2013 to March 2014, the homes of people who did not agree to the sale were set on fire by unknown persons. Criminal cases into the arsons were opened, but the guilty parties were not found, even though the only way to enter the territory was through a checkpoint equipped with video cameras, which would have undoubtedly recorded the passage of the arsonists. Residents cannot freely pass through this checkpoint to enter the territory of the village, and free access to the cemetery where their ancestors are buried is closed. The sacred mountain Karagay Lyash was damaged by demolition work. There were even cases when Shor activists were forced to resign from their jobs.

In official responses to letters from Kazas residents, the public prosecutor's office of Kemerovo Oblast reported that public hearings on relocating residents under an agreement with the coal company were conducted with violations and that the decision to demolish the village was not made following the procedures established by law.¹⁴ The relocation of 28 homes from the coal mining zone was a condition for Yuzhnaya to receive a license for coal mining. Moreover, the relocation was to have been completely voluntary under the agreed conditions and following the program approved with the participation of the Kemerovo Oblast Administration, but none of this was ever done. Meanwhile, Yuzhnaya continues to mine coal under a license obtained without meeting the abovementioned obligations.

Members of the Council of People's Deputies of Myski City District discussed moving Kazas Settlement to a more convenient location, but the plot offered for relocation (Turala District) was not suitable for living: it was a swamp and wetland area.

In light of their circumstances, some indigenous Shors from Kazas did not own homes and lived with relatives who owned homes and property and led a traditional way of life (went hunting and fishing, collected wild plants and mushrooms, maintained vegetable gardens). According to the Myski City social organization Rebirth of Kazas and the Shor People, nine of its former residents who did not have property there were left without housing and have been forced to live the life of a drifter.

The coal company Yuzhnaya (which is part of the holding company Sibuglemet) destroyed the territory around Kazas where residents traditionally took advantage of natural resources, thus depriving residents of the chance to eat traditional foods (game, fish, wild crops, fruits and vegetables cultivated in home gardens). According to

¹² This list was approved by RF Government Order No. 631-r of 8 May 2009.

¹³ City residents reported threats from Yuzhnaya CEO I.S. Khalimov in a statement to the public prosecutor's office recorded on 24 April 2014. Witnesses describe the threats in the documentary film *Tsena* [Price] (2014) <https://www.youtube.com/watch?v=y3WXcXB4c1w>

¹⁴ This information was received from activists in Shor social organizations.

scientists, changes in dietary intake and environment pollution violate not just the right to health and the right to adequate food, but also the cultural rights of indigenous peoples: “Indigenous peoples are viewing food more and more as a symbol of ethnic background, an element that helps emphasize the connection with the cultural traditions of their people. It is the tremendously important role of traditional food that has helped retain many of its features over decades and centuries even after conditions for existence of the ethnic group have changed.”¹⁵

One of the violations of the cultural rights of Shor people that should be noted in particular is the defilement of places sacred to them: in 2013–2015 explosions near Kazas razed Karagay Lyash, a mountain sacred to the Shor people. Prior to this, in 2000, an Orthodox cross made of metal and weighing 7.5 tons was erected on the sacred mountain of Mustag in Sheregesh Settlement, Tashtagol District without the consent of Shors. Even though this caused great public outcry,¹⁶ the protests of both the Shor and Russian populations were ignored: the Orthodox cross continues to stand on the sacred mountain where the Shors have performed rituals since the dawn of time. In 1970, the sacred mountain Ene-tag and an ancient cemetery in the settlement of Kurya were blown up (this settlement was part of Myski and does not currently exist). Today an enormous open pit coal mine stands in its place.

There are no schools where Shor children can study in their native language or at least study their native language as a separate subject (for example, the school in the Shor settlement of Chuvaska in Myski was closed). In 2010, the Shor Language Department in the Faculty of Russian Language and Literature at Kuzbass State Pedagogical Academy, which had prepared teachers of the Shor language since 1989, was shuttered.

The Shor are not the only people disturbed by the activities of the open pit coal mines near Myski and the disdain exhibited for the interests of the population: the environmental consequences of open pit coal mining are devastating for the entire population of this territory and include the poisoning of the air and river water by explosions, the destruction of the forest, where residents can no longer collect mushrooms and berries, and the ruining of roads by trucks. Thirty homes in a dacha community near the haul road of the Kiyzassky open pit coal mine recently set on fire, which was reminiscent of the destruction of homes in Kazas.¹⁷

The foreign agent law, which entered into force in November 2012, has had an extremely negative effect on the activities of social organizations defending the rights of indigenous peoples. This law has made it more difficult for NGOs to operate, harmed their reputation, and caused a schism within the community. There have even been instances when independent human rights defenders from the indigenous community have faced persecution.

¹⁵ Bogoslovskaya, L.S., doctor of Biological Sciences, former head of the Center for the Traditional Culture of Natural Resources Use at the D.S. Likhachev Research Institute for Cultural and National Heritage. *Traditsii pitaniia kak sposob adaptatsii k okruzhaiushchei srede* [Nutrition traditions as a means of adapting to the environment]. // Коренные народы российского Севера в условиях климатических изменений и воздействий промышленного освоения. Серия: Библиотека коренных народов Севера. Вып. №16. М., 2015. С.41-47.

¹⁶ Tatyana Tudegesheva, Shor poet, member of the Russian Writers Union “*Krest na svyashchennoy shorskoy gore*” [“Cross on the Sacred Shorian Mount”], *Kuznetskiy rabochiy* newspaper, 9 August 2003: <http://www.kuzrab.ru/publics/index.php?ID=1742>

¹⁷ <https://www.youtube.com/watch?v=dYdKAAtHAY>

In October 2016, the Center for Support of Indigenous Peoples filed a complaint with the European Court regarding violation of the rights to freedom of association and freedom of expression (the Center was found to be a “foreign agent” in 2015, which greatly impeded its work). On 16 December 2016, members of an informal association of experts from indigenous minorities of the North, Siberia, and the Far East known as Aborigine Forum reported that the Center’s director Rodion Sulyandzig had been detained and interrogated and that his apartment had been searched, which was why he was he had not been able to open an educational seminar of the forum.¹⁸ This was not the first time R. Sulyandzig has faced persecution: two years ago, he was not allowed to leave for an international UN conference when border guards spoiled his passport, and he was prosecuted for this.

Recommendations: The Russian Federation must implement its obligations to protect the rights of indigenous peoples, preserve the traditional environment and the ability to use natural resources, ensure socioeconomic rights, the right to participate in political life, the ability to study one’s native language and culture, and the right of children to receive an education. In the specific case of the violation of the rights of the Shor population of Kemerovo Oblast (Kazas Settlement) people in need of housing should be provided with it, a fair investigation into instances of arson should be ensured, victims of material and emotional damages should be compensated, residents should be ensured free entry to the territory where the land plots that they still own and the cemetery where their relatives are buried are located; the licenses for coal mining should be revoked from the companies Yuzhnaya and Razrez Kiyzassky until the conflict would be resolved. The “foreign agent” law must be rescinded and organizations protecting indigenous rights must be allowed to conduct meaningful work. The persecution of activists protecting territories where natural resources are traditionally used by indigenous peoples must be stopped.

¹⁸ <http://www.svoboda.org/a/28170017.html>

EMPLOYMENT DISCRIMINATION OF VULNERABLE GROUPS

Problem: the existence of the “list of professions banned for women” results in employment discrimination against women; the Russian Federation is not implementing the recommendations and rulings of international institutions (CEDAW) to abolish this list.

The matter of choosing a profession and employment in the RF continues to retain an open form of discrimination against women, which finds its expression in the existence of a list of professions banned for women. This list contains 456 types of employment in 38 spheres where restricted access was introduced under Article 253 of the RF Labor Code and RF Government Resolution No. 162 of 25 February 2002 “On the Approval of the List of Arduous, Dangerous, and Harmful Occupations Banned for Women.” This ban on a number of interesting and prestigious professions is professed to be a positive measure for protecting women and caring for their reproductive health (see paragraph 29 of the RF’s 6th Report to the CESCR).

In 2013, ADC Memorial experts and the attorney Dmitry Bartenev prepared a complaint for CEDAW on behalf of the complainant, ship navigation officer Svetlana Medvedeva, who was never able to complete her practical training in her specialization of helmsperson-motorist or complete her education, since all types of deck and machinery duties on a ship are on the list of profession banned for women. On 16 March 2016, CEDAW published a decision in the case of Svetlana Medvedeva,¹⁹ where it stated that a blanket prohibition regarding all women in the RF regardless of age, marital status, and ability or desire to have children is a violation of women’s rights to have the same opportunities as men for employment and choice of profession. The Committee also noted that the ban on an enormous number of professions for women was solely connected with supposed harm to a woman’s reproductive health. This speaks to the still dominant stereotypical notion in Russia that women are primarily mothers and are only professionals to a lesser extent. The CEDAW decision also notes that the existence of banned professions for women violates the principle of equality of the sexes, which is guaranteed by both the Convention on the Elimination of all Forms of Discrimination Against Women and the RF Constitution, given the absence of similar restrictions for men, even though it is obvious that many types of work can be harmful to men’s health, and, in particular, their reproductive functions.

ADC Memorial raised the matter of banned professions in its alternative report the CEDAW (2015),²⁰ and based on its review of this report, the Committee recommended canceling this discriminatory list. During the meeting (62nd session, 17 October 2015), members of the delegation promised that this would be done.

However, no positive changes have occurred overall or in the specific case of Svetlana Medvedeva. On 11 August 2016, a Samara court refused to reconsider her case due to new evidence (the CEDAW decision), citing the fact that the CEDAW decision was of an advisory nature. The court of appeals upheld this ruling in October 2016.

Recommendation: *the list of profession banned for women must be cancelled, thereby implementing the decision and recommendation of international bodies; violations of the rights of women must be eliminated in specific cases (like the case of navigation officer Svetlana Medvedeva).*

¹⁹

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/63/D/60/2013&Lang=en

²⁰ <http://adcmemorial.org/www/publications/different-forms-of-gender-discrimination-in-russia-from-the-professions-forbidd-en-for-women-by-the-state-to-harmful-traditional-practices?lang=en>

Problem: firing of teachers and professors from institutes of higher education due to their sexual orientation or gender identity.

In the years since the adoption of the “gay propaganda” law (No. 135-FZ, June 2013), there has been an atmosphere of harassment of LGBTI people, including teachers and professors at institutes of higher education. Homophobic activists, including followers of the Orthodox religion, scrutinize information on the social network pages of teachers for sympathetic statements addressed to LGBTI children, notes expressing tolerance of LGBTI people, speeches in favor of LGBTI rights, or personal photographs (of two women holding hands, for example) and send denunciations of these teachers to schools, education agencies, and local government bodies.²¹ Dozens of teachers and professors throughout the entire country have been harassed, fired, or forced to resign “by choice.”

Court protection for victims of firings has not been successful: for example, courts of several instances (2015) found that the firing of a gay female teacher in Saint Petersburg who was let go for “an indecent act” was legal.²²

Recommendations: rescind homophobic law No. 135 FZ; immediately stop the practice of firing teachers on the basis of SOGI or their activities to protect LGBTI rights; investigate the illegal activities of so-called activists who initiate hate campaigns against LGBTI teachers and prosecute these activists.

Problem: persecution of teachers and staff members of preschools based on their religious affiliation.

In December 2016, teachers at a school in the village of Belozerye (Romodanovsky District, Mordovia), where the absolute majority of the population is made up of Tartars professing Islam, faced harassment. At a specially convened meeting of the teacher’s collective, staff members from the Ministry of Education of Mordovia demanded in harsh tones that teachers stop wearing Muslim headscarves; people who did not do this were threatened with dismissal. The principal issued an order amending internal school regulations to ban headscarves in school and to impose a cash fine for this. Some teachers were forced to resign right away. Later, teachers who did not follow this requirement were written up and still face the threat of dismissal.²³

In January 2017, police officers from the anti-extremism unit committed numerous procedural violations when they organized a search of two kindergartens in Makhachkala (Dagestan) and announced that these preschools would be closed. The reason for this search and the threat of closure was the fact that the owner of the preschools was allegedly on a watchlist of religious extremists. The owner and her staff were taken to the police precinct, interrogated, and asked for information on the children’s parents. At least eight people are at risk of becoming unemployed.²⁴

Recommendations: Immediately stop persecuting teachers and staff members at preschools under the pretext of “fighting religious extremism”; return people fired for this reason to their jobs and compensate them for emotional damages.

²¹ <https://www.hrw.org/report/2014/12/15/license-harm/violence-and-harassment-against-lgbt-people-and-activists-russia>

²² http://comingoutspb.com/news/gorodskoy-sud-sankt-peterburga-poschital-zakonnym-uvolnenie-iz-za-seksualnoy-orientatsii/?sphrase_id=327

²³ http://kavpolit.com/articles/glava_mordovii_skazal_chetko_esli_ne_snimajut_plat-31051/

²⁴ <http://chernovik.net/content/lenta-novostey/sotrudniki-cpe-dagestana-obyskali-odin-iz-detskih-sadov-mahachkaly>

Problem: violation of the economic and social rights of migrant workers in Russia: cruel exploitation, terrible work conditions, failure to comply with workplace safety, difficulties accessing education for the children of migrants.

One of the consequences of the dissolution of the Soviet Union (1991) has been mass labor migration from less economically developed former Soviet countries to better off countries, primarily Russia. Even though Russia receives a tremendous amount of revenue from labor migration (not just tax withholdings from migrants' salaries, but also revenue from the entire infrastructure of industry that has risen around labor migration –fees for permits, Russian language exams, medical exams, and so forth), the Russian government does not feel obligated to create normal work conditions for migrants, provide migrants and members of their families with access to medical care and education, or meet their cultural needs. Russia's overall policy on migrant workers is extremely harsh, which is demonstrated in the practices of anti-migrant raids by the police and other law enforcement agencies, mass expulsions for minor violations of migration rules, inadequate responses to instances of arbitrary treatment by the police, and fraud committed by employers.

The membership of several former Soviet countries (Russia, Kazakhstan, Belarus, Armenia, Kyrgyzstan) in the Eurasian Economic Union (EAEU) is technically supposed to improve the situation for migrant workers from these countries: the Union proclaims their right to work in any EAEU country on equal footing with citizens of these countries and without obtaining additional permits and to receive services as part of health and social insurance, the right of their family members to be legally located in the country of employment during the term of the migrant worker's labor or civil contract, and the right of their children to receive an education in the country of the migrant's employment.

However, provisions of the EAEU Treaty proclaiming the right to freedom of labor for migrants in member countries contravenes labor laws of the individual countries and other bi- and multi-lateral agreements between former Soviet countries, which proclaim the principle of priority for national labor resources. Additionally, there are plans to deprive the family members of migrant workers of the right to take advantage of mandatory medical insurance (stated in a letter written by Deputy Minister of Health D. Kostennikov of 21 November 2016, the Ministry of Health has not voiced any objections to this proposal (response from Deputy Minister of Labor A. Cherkasov of 27 December 2016)).²⁵

In practice, on the whole more migrants are not becoming legalized due to the simplification of employment procedures. According to our sources, the most common practice of finding employment is by entering into fictitious minimum wage agreements and registering at the location of a fictitious employer while working for a completely different employer with no social guarantees and without income actually leaving the shadow economy (a number of interviews, 2016).

The abovementioned privileges do not extend to migrants from non-EAEU countries whose citizens arrive in Russia in the millions to earn money (Tajikistan, Uzbekistan, Ukraine, Moldova, Georgia): these migrants must apply for a work license, they do not receive social guarantees, they can only receive medical care (except for emergency medical care) for payment, their family members can only live with them for a limited period of time, and their children only have limited educational opportunities.

Regardless of whether or not a country is a member of an intergovernmental union, the following problems are pertinent for migrant workers from former Soviet countries:

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https://life.ru/t/%D0%B7%D0%B4%D0%BE%D1%80%D0%BE%D0%B2%D1%8C%D0%B5/956419/minzdrav_radi_ekonomii_ochistit_sistemu_oms_ot_lishnikh_patsientov

State monitoring of employers' observance of the rights of migrant workers is insufficient, especially given the widespread harsh exploitation of migrants forced to work many hours a day without a break and salary fraud. Mass violations were seen in the construction of Olympic sites in Sochi, which attracted migrant workers.²⁶ Law enforcement and other state agencies have looked the other way in cases of the enslavement of migrants. Moreover, it is impossible to secure a fair investigation of these crimes in Russia: in December 2016, a complaint was filed with the European Court on behalf of four female victims of years of slavery – citizens of Kazakhstan and Uzbekistan who spent from two to five years in slavery in Moscow, were subjected to exploitation and cruel treatment, and were impregnated as the result of sexual violence.²⁷

RF monitoring agencies do not devote sufficient attention to compliance with workplace safety for migrants. There have been frequent cases of migrants' deaths on the job (falling from heights, gas poisoning, fire). On 27 August 26, there was a fire at the Pechatny Express Printing House on Altufevsy Shosse in Moscow. Seventeen women, 14 of whom were migrant workers from Kyrgyzstan, including one minor and one pregnant woman, died from smoke inhalation and carbon monoxide poisoning. Many of them left small children in Kyrgyzstan.²⁸

The living conditions of migrant workers are also not monitored. A widespread practice in Russia is for migrant workers and their families to live at their places of work (in portable trailers at construction sites, utility rooms, and production facilities). In January 2016, twelve people, including three children, living in a sewing workshop in Moscow (Stromynka) perished after a nighttime fire. Eight of the victims were Kyrgyz citizens, two were people of Kyrgyz origin with Russian citizenship, and they were all from the regions of Osh or Batken. The two remaining victims were citizens of Uzbekistan.²⁹

Access to school education for migrant children is also impeded: many children are denied enrollment in school because they do not have a registration or other document that principals may request from children and parents and without which they cannot accept a child, even if they want to (because of strict monitoring by education administration bodies). Human rights defenders from the NGO Civic Assistance took the group's appeal of Ministry of Education and Science Order No. 32 of 22 January 2014 all the way up to the Supreme Court. This order requires that parents provide confirmation of their legal status when enrolling their children at school. This requirement violates one of the most fundamental rights of the child – the right to elementary and secondary education, which is guaranteed by both the Russian Constitution, the UN Convention on the Rights of the Child, and the International Covenant on Economic, Social and Cultural Rights. The Supreme Court rejected this appeal in August 2015.³⁰

Recommendations: *The RF Government must implement its obligations to protect the economic, social, and cultural rights of migrants, which are enshrined in the ICESCR, intergovernmental agreements within the framework of the Commonwealth of Independent States and the Eurasian Economic Union; harmonize national labor laws with the EAEU Treaty in terms of ensuring equal rights of migrants and permanent residents to labor; reject plans to exclude the family members of migrants from mandatory health insurance; provide effective state monitoring of compliance with workplace conditions for migrants; accept the children of foreign citizens in Russian schools regardless of their status or whether or not their parents have a registration.*

²⁶ <https://www.hrw.org/ru/report/2013/02/06/256403>

²⁷ <http://www.rbc.ru/society/06/12/2016/584683929a7947109f91b94e>

²⁸ <http://www.mz.gov.kg/news/view/95>

²⁹ <https://ria.ru/incidents/20160202/1368787087.html>

³⁰ <http://grani.ru/blogs/free/entries/243912.html>